App. F. IX-4

1935
(Lyt)

File No. 35-
Serial Nos. 1-

Previous References
C.B. 24-33-19
PP 34-33-1
" 41-30-1
PP Confl 79 of 31-32.
Later References. " 77 of 31-32
Lyt 26-33-1

PRESERVED

(19)
(2)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two

Part B for Sept 35

SUBJECT.

The Indian Press (Emergency Powers) Act.

2) To The Residency.

WD 01965—GPB—15,000—7-7-34

No. Pol 85 of 17.7.35

States that this Govt considers that it is desi
in the interests of the states to retain the spl. pow
for the Control of the Press under the Indian
(Emergency Powers) Act—and that the Act should
made permanent & that no amendmen
of the existing provisions appears to be necess

Dr. Abdul Aziz
14-9-35.

Ind

It is not clear
why this paper has been
referred to the Pol. Dept.
~~Legis. Case worker (Pol Dept)~~
says that there is no matter
for him to work up in
the Pol. Dept. If it is the
effect of the Legislation on the
Control of the Press, it is
~~Question for consideration~~
of the C.B., who confer a
Statutory power to edit papers
Journals in the State

Records

N.S.K.
22/3/35

The previous notes
- if any and the
~~newspaper~~ correspondence referred to may be
available papers are
~~of~~ herewith. These references
seem to have no bearing on the
This is not a question
27/3 of giving permission or
withdrawing permission to
~~an~~ newspapers in Mysore
The point raised was
reference to the effect of some
Legislation in British India
on adm^n. of Indian States.
This may be perhaps examined
in the Legislative (or Political)
Sec^t ~~Some Papers available here~~ [redacted]

CPS 27/3

Serial No.

Q 1532
CS

Letter No. C 3231 dated 21
from The Secy to the Pr
Enquires whether any amend
or modification of the existing provi
in respect of the special powers for
Control of the Press, conferred by the
Emergency powers Act of 1932 is
necessary in the interests of the Sta
Subject with reference.
JK
27/3/33

23-33 (PP3-33-11)
179-31 (PP9-31-17)
177-31 (PP74-3[illegible]-166)
of
O
...ferred to
...Section 3(1)
JK
Sub
JS

Serial No.

Powers of control of the Pr
vested in the Govt. of Ind
under the Indian Press Emer
Act 1931 as amended by th
Criminal Law Amendment Ac
1932

Act XXIII of 1931 was inten
to provide for the better contr
of the Press and of un-auth
news sheets and newspape
the Act was amended and
its period extended to the
end of the year 1935 th
by Act XXIII of 1932. (Vide

The provisions that ~~had~~
up to the Act of 1931 were
in force by a time as an ord
and the Govt. of India ar
to have wished the Ordinan
the supreme Govt. (Vide PP 41-
(Flag S). No opinion appears to have
given. A similar provision
was also received from the
Residency in October 1933 whe
the Indian States Protection
XI of 1934 was under consid

All these measures are
related to each other.

In their present communication the Residency regrets to be informed, what effect the Act XLIII of 1932 had on the administration, so as to decide the desirability or otherwise of retaining the special powers taken by them under the said Act.

There is no data for deciding how far the act was applied to convictions in the C.I.T. Courts. The existence of a statutory provision of the kind had it may be put into operation might perhaps have gone along way to stifle agitation of the character which the measure is intended to meet.

Ind

Serial No.

The Indian Press (Emergency Powers) A
1931, as amended by the Criminal Law Amendn
Act, 1932, is due to expire on 18th Decembe
1935. The Government of India have invii
the views of this Government as to whether
special powers for the control of the Press
have to be retained, whether the Act requi
any amendment and whether it should be mad
permanent or extended for a term of years.
These Acts, by themselves, do not concern
Indian States. But read with the Indian
Protection Act, 1934, they have an importa
bearing.

The Indian Press (Emergency Pou
1931, provided for the control of pri
and newspapers in British India by re
to make deposits of money and providi
forfeiture of deposits in case of off
publications tending to ~~excite~~ incite the cc
cognisable offences and penalties in
unauthorised publications. This was
Act passed for one year. Then the
Law Amendment Act of 1932 was passed
force for 3 years. It provided for
continuance of the Indian Press Act c
three more years. It further extenc
of that Act by bringing within the list of offen
publications entailing forfeiture of
such things as sedition, seduction o

Note–Contn. Sheet.

promotion of feelings of hatred between communities, etc. The seditious writings are limited in this Act to those directed against the British Government or the Government of India.

In 1934 the Indian States Protection Act was passed, and under section 3 thereof the Indian Press Act of 1931 was made applicable to cases of writings which tended to bring into hatred, or contempt, or to excite disaffection towards the Administration established in any State in India. Thus, this Act has extended to the States the same measure of protection from the activities of the Press directed from British India against their Administrations as the Government of British India enjoys. The history of the legislation in this connection is as follows:-

In 1910 the Indian Press Act was passed to provide for the better control of the Press. ~~And~~ It provided for [taking] ~~requiring~~ security deposits from printers and publishers of newspapers and for forfeiture [of deposits] in case of certain publications considered as offensive. Seditious writings directed against the Government of a Prince, or a Chief, were included within the scope of that Act. This Act was repealed in 1922. In the same year, for the protection of the States, the Indian States Protection Against Disaffection Act was passed whereby dissemination of sedition by newspapers against Indian States was made punishable with imprisonment for a term of 5 years. This gives to the

seditious writings as section 124 A of the Indian Penal Code gives to the Government of British India. But the States lost in 1922 the protection which they had enjoyed since 1910 under the Indian Press Act of 1910.

The Press Act of 1931 is almost similar in its provisions to the Act of 1910 which had been repealed in 1922. The same protection from Press attacks as the Government of India enjoyed under the Act of 1931 has been extended to the States by the States Protection Act of 1934. If this Act expires in December 1935 and is not replaced by any fresh legislation, this protection to the States from attacks in the outside newspapers will go. There would remain the Indian States Protection against Disaffection Act of 1922. But prosecutions there are difficult to conduct and are rather inexpedient. This has been well pointed out by Sir Harry Haig in his speech in the Legislative Assembly when he introduced the Indian States Protection Bill of 19

> " In recent years we have unfortunately come to realise that prosecution is not a very satisfactory remedy against those who have determined to malign and create disaffection towards Government. In the first place, prosecution is a very slow process. In the second place, the very fact of prosecution gives the widest publicity to the mischievous statements which it is endeavoured to check. Then again, when prosecutions are dragging on their slow length, there is nothing to prevent newspapers from continuing to publish things of the same kind. And finally, if we assume that at last a conviction is obtained and that the person who has been recorded as editor is convicted, there is no assurance that he is responsible for the policy of the paper we may after all this effort have merely got at a man of straw. The States have

NOTE—Contn. Sheet.

precisely these difficulties in trying to take advantage of that Act which was passed in 1922."

As stated in the objects and reasons of the Indian States Protection Bill of 1933, the forthcoming constitutional changes make it desirable that the authorities in British India should have power to protect the units of the federation from agitation directed against them from British India.

In view of these considerations, it would be necessary to retain the special powers, for the control of the Press, under the Indian Press Act of 1931 and it should be made permanent, at any rate so far as the provisions for protection of the Indian States are concerned.

A draft reply to the Residency is submitted for consideration.

DEWAN'S OFFICE 12 JUL 1935 No. 202

Chief Secretary 11/7/35

CHIEF SECRETARY 11 JUL 1935

Draft for approval.

It is desirable to continue the legislative measure in force. No amendment thereto has been found to be necessary.

Dewan 12/7/35

First Member also agrees. 12/7/35

TYPING SECTION 17 JUL 1935 GENL. & REV. SECTT.

12-7-35

OFFICE OF THE FIRST MEMBER OF COUNCIL 13 JUL 1935 No. 1146

(1st M.)

will issue. please bring up with the file under reply

5436
P

General and Revenue Secretariat. | File No. 35 of 1935 | [App. F. III-2

2

Pol 85 of 17.7.35

To

The Secretary to the Hon'ble the Resident

I am directed to say that the Government consider that it is desirable in the interests of the State to retain the Special powers for the arrest of persons under the Bihar Public Safety Powers Act, 1931 as amended by Act 16 of 1935 of the Criminal Law Amendment

NOTE—Contn. Sheet.

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

Confidential

No. C/3231/139-1931

5736 P

FROM

Major C.G.N. Edwards, I.A.,

SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of Mysore,

Bangalore.

Dated Bangalore, 22nd March *1935.*

Subject. The Indian Press (Emergency Powers) A

SIR,

I am directed to say that the Indian Press (Emergency Power Act, 1931, as amended by sections 14 to 16 of the Criminal Law Amendment Act, 1932, which is in force in British India and whic has recently been applied to the C and M Station of Bangalore, i due to expire on the 18th December 1935. The Government of Ind have now under consideration the question whether it is necessar to retain special powers for the control of the press beyond tha date, and if so, whether the existing Act requires amendment or modification and whether it should be made permanent or extended only for a limited term of years. In this connection, the prac cal effect of the Act on the administration of the Indian States is an important consideration; and the Hon'ble the Resident wou be glad to be informed whether the Mysore Government consider tha any amendment or modification of the existing provisions is desi in the interests of the States.

Urgent
RR
22/3/35.

I have the honour to be,

Sir,

Your obedient servant,

SECRETARY TO THE RESIDENT IN MYS

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 17th July *193*5

No.

From

The *Chief Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Secretary
to the Hon'ble the Resident
in Mysore, Bangalore.

Sir,

Subject.- The Indian Press (Emergency Powers) Act.

I am directed to invite reference to your letter No.C.3231/13 1931 dated 22nd March 1935 calling for the views of this Governmen whether it is necessary to retain the special powers for the cont of the Press under the Indian Press (Emergency Powers) Act, as a by the sections 14 to 16 of the Criminal Law Amendment Act, 1932, whether any amendment or modification of the existing provisions desirable in the interests of the States. After considering the visions of these Acts read with the Indian States Protection Act 1934 and the provisions of the Indian States Protection against D fection Act of 1922, I am to state that this Government considers it is desirable in the interests of the States to retain the spec powers for the control of the Press under the Indian Press (Emerg Powers) Act, 1931, as amended by Sections 14 to 16 of the Crimina Law Amendment Act and that the Act should be made permanent. No amendment or modification of the existing provisions appears to b necessary.

I have the honour to be,

Sir,

Your most obedient servant,

Chief Secretary to Government.

Draft. Judgl 34-35-2

Pol. 85 S 17/7/

From

The Chief Secretary to the Govt. of Mysore

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

Subject.- The Indian Press (Emergency Powers) Act.

Sir,

I am directed to invite reference to [illegible] letter No. C.3231/139-1931 dated 22nd Ma[illegible] 1935 calling for the views of this Govt. whether it is necessary to retain the sp[illegible] powers for the control of the Press unde[illegible] the Indian Press (Emergency Powers) Act, amended by the sections 14 to 16 of the Criminal Law Amendment Act, 1932, and wh[illegible] any amendment or modification of the exi[illegible] provisions is desirable in the interests the States. After considering the provisions of these Acts read with the Indian States Protection Act of 1934 and of the Indian States Protection against Disaffection Act of 1922, I am to state that this Government considers that it i[illegible] desirable in the interests of the State[illegible] retain the special powers for the contro[illegible] the Press under the Indian Press (Emerg[illegible] Powers) Act, 1931, that the Act should b[illegible]

1 Amended by Sn 14-16 of the Cr Law Am Act-a

be made permanent ~~and that~~ No amendment or modification of the existing provisions appears to be necessary.

I have etc.

12.7

Chief Secretary to Govt.

6 11/7/35